

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

EDWARD EUGENE VILLEGAS,

Petitioner,

vs.

TOMAS V. KELLEY,

Respondent.

No. C 11-2708 JSW (PR)

**ORDER DENYING LEAVE TO FILE
MOTION FOR RECONSIDERATION**

(Docket No. 12)

Petitioner, proceeding pro se, was convicted of a sex offense in 1981 and completed his sentence prior to filing the instant habeas corpus petition in which he challenges both his state court conviction and his continued obligation under state law to register as a sex offender. The petition was dismissed because his “merely being subject to a sex offender registry requirement does not satisfy the ‘in custody’ requirement” for federal habeas jurisdiction. *Zichko v. Idaho*, 247 F.3d 1015, 1020 (9th Cir. 2001). He has filed a motion in which he requests reconsideration of the dismissal order. The supporting memorandum challenges his conviction and sex offender status, and includes a “complaint” under the Freedom of Information Act. As petitioner does not address the dismissal order or otherwise show how the Court has jurisdiction over the petition, his motion for reconsideration (docket number 12) is DENIED.

IT IS SO ORDERED.

DATED: February 1, 2012

 JEFFREY S. WHITE
 United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

EDWARD E. VILLEGAS,
Plaintiff,

Case Number: CV11-02708 JSW

CERTIFICATE OF SERVICE

v.


KELLEY, ET AL. et al,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on February 1, 2012, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Edward Eugene Villegas
1207 Lancelot Land
San Jose, CA 95127

Dated: February 1, 2012


Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk